THE HONOURABLE SRI JUSTICE
R. SUBHASH REDDY

WRIT PETITION No. 7666 OF 2004

ORDER:

This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of the respondents in seeking to demolish the wooden bunks erected by the petitioners on the road margin of Parigi Road in Shadnagar, Mahaboobnagar District as illegal and arbitrary.

It is the case of the petitioners that they belong to SC, BC and minority communities and are economically poor. It is their further case that they have erected wooden bunks on the road margin and doing petty business like tea stall, foot wear repairing shop, flowers stall, fruits stall etc and the income which they derive is only source of their livelihood. It is their case that the land on which they erected wooden bunks vests with the Gram Panchayat and they are doing business by paying ground rent. It is stated that the said land, where the petitioners have erected wooden bunks is abutting the premises of APSRTC, and, to have access to the shops constructed by the APSRTC authorities in their land, the respondents are taking steps to evict the petitioners illegally and high-handedly.

The respondents have filed counter affidavit stating that APSRTC has constructed shops in the bus-station complex in Shadnagar under the scheme 'Deposit Operate

Transfer'. It is their case that the illegally erected wooden bunks on the road margin of the gram panchayat are coming in their way of access to the entry to the shops; as such, they have addressed the gram panchayat to take appropriate action in the matter.

It is not in dispute that the location of bunks erected by the petitioners is on the road margin, which vests with the gram panchayat. If any encroachments are there in the land which vests with the Gram panchayat, it is for the gram panchayat to take appropriate action. Even as per the counter affidavit filed on behalf of the respondents, it is evident that they are not taking any action for removal of the bunks erected by the petitioners and they merely addressed the gram panchayat for removal of the bunks. In that view of the matter, I dispose of the Writ petition directing the respondents not to take any coercive steps for removal of the bunks erected by the petitioners on the land belonging to the gram panchayat. However, it is made clear that it is open for the respondents to address the gram panchayat and it is equally open for the gram panchayat to take steps for removal of the alleged encroachments by following due procedure contemplated under law.

Subject to the above direction, the Writ Petition is disposed of. No costs.

-
-
-

JUSTICE R. SUBHASH REDDY

DATED: 22-06-2004
YCR/Msnr.